

Applicant or Patentee: Nexabit Networks, Inc. Attorney's
Serial or Patent No.: _____ Deskset No.: _____
Filed or Issued: _____
Fee: _____

IN NETWORKS OF INTERCONNECTED ROUTER NODES FOR ROUTING DATA TRAFFIC, A
METHOD OF AND SYSTEM FOR IMPROVINGLY UPGRADING ROUTER NODE SOFTWARE
AND THE LIKE WITHOUT TRAFFIC INTERRUPTION

VERIFIED STATEMENT (DECLARATION), CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Nexabit Networks, Inc.
ADDRESS OF CONCERN 200 Nickerson Road, Marlborough, MA

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled _____

as above _____ by inventor(s)
Kenneth J. Schroder, Glenn McGuire and Zbigniew Opalka
described in _____

- ☒ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mukesh Chatter
TITLE OF PERSON OTHER THAN OWNER _____
ADDRESS OF PERSON SIGNING _____

SIGNATURE Mukesh Chatter DATE 5/14/99

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

IN NETWORKS OF INTERCONNECTED ROUTER NODES FOR ROUTING DATA TRAFFIC, A
METHOD OF AND SYSTEM FOR IMPERCEPTABLY UPGRADING ROUTER NODE SOFTWARE
AND THE LIKE WITHOUT TRAFFIC INTERRUPTION

X is attached hereto. _____ the specification of which
was filed on _____, as United States Application Serial No. _____
_____ or PCT International Application No. _____
and was amended _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35, U.S.C. §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Serial No.	Country	Filing Date	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

And I hereby appoint Robert H. Rines, Reg. No. 15,932, and Robert Shaw, Reg. No. 20,440, of the firm of Rines and Rines, Reg. No. 16,118, 81 North State Street, Concord, New Hampshire 03301, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- (1) Full name of sole or first inventor: Kenneth J. Schroder
 Date: May 17, 1999 Signature: *Kenneth J. Schroder*
 Citizenship: USA Residence: 115 Bishops Forest Drive, Waltham, MA
 Post Office Address: 115 Forest Drive, Waltham, MA 02452-8800
- (2) Full name of second joint inventor, if any: Glenn McGuire
 Date: May 17, 1999 Signature: *Glenn McGuire*
 Citizenship: USA Residence: 30 Royal Crest Drive, Marlborough, MA
 Post Office Address: 30 Royal Crest Drive, Marlborough, MA 01752
- (3) Full name of third joint inventor, if any: Zbigniew Opalka
 Date: May 17, 1999 Signature: *Zbigniew Opalka*
 Citizenship: USA Residence: 25 Quarry Lane, Harvard, MA 01451
 Post Office Address: 25 Quarry Lane, Harvard, MA 01451

09316905 052199 661250 506916